

COMMENTS**Claiming the Human Body**

Examiner states that applicant claims a human body portion. Applicant responds that the independent claims have been amended with the words “adapted to contact” as recommended by the examiner. Following acceptance of the independent claims, the dependent claims will be allowable.

BioComparable Fasteners

Examiner states that the instant application would not lead one with ordinary skill in the art to conclude that the instant invention is structurally distinguished over Seegmiller US Patent 5,525,013. Applicant responds that the independent claims of the instant application have been broadened, claiming biologically stable fasteners as stated on Column 7, lines 39-49 of the instant application:

“The entire fastener is characterized by suitable incorporation of.... materials of long-term biological stability ... well tolerated by the body both during healing and thereafter, and to be extremely unlikely of ... reaction within the joints or the body as a whole.”

Seemiller is Not Comparable

Seegmiller teaches his invention in combination with a cable bolt PC strand grade 270 made by “Sumiden Wire Products Corporation of Stockton, Calif. (Column 1, lines 59-61). As seen on the Sumiden website, even coated cable has significant corrosion after 1000 hours salt spray test, making it unsuitable for use in the body. Further, Seegmiller’s teaches an invention that includes a “dam element is preferably made of a soft metal that is simply slit at one side thereof, in installation it is crimped onto the cable”. (Column 3 lines 26-28) Soft metals easily corrode in the body and, therefore, are not approved for in vivo use. The instant invention, therefore, is significantly distinguished over Seegmiller.

Securing A Surface

Examiner states that while certain species (e.g. a cup) of US 6,162,234, are shown in contact with tissue, it is not “originally disclosed that or how the elected species contacts tissue.” Applicant respectfully points out that the instant invention not only contacts a surface, but “secures” a surface as described in PCT/IB00/00364, Page 17, line 7 to Page 18, line 27:

"FIG. 30' depicts a suture nut assembly (58)... used as follows... the Suture Nut is slid along the suture until it sits against the tissue that is to be secured... [In] "FIGS. 35'-37' ... suture is pulled so that the suture nut abuts the tissue surface."

This distinction is claimed in the instant application:

Claims 64, 79 and 94, 109 and 135 of the instant application are "adapted to secure at least one elongate element to a tissue having a surface". Method claims 134 and 135 provide a method "for securing a surface". Hence, the instant invention is highly distinguished over Seegmiller.

Seegmiller Merely Arranges

In distinct contrast, Seegmiller teaches "fittings 27" that merely serve to *arrange* the cable strands. (Column 5 line 66- column 5, line 3) but *do not contact bearing surface 28*.

This relationship is repeated throughout the Seegmiller embodiments. In Fig. 6 nuts 23 contact bearing surface 28 while jaws 63 do not contact surface 28:

"FIG. 6 (enclosed) illustrates that threaded portion 59 of threaded member 60...receives and engages cable bolt tensioning nut 23. [Only nut 23] is disposed over and bears against bearing plate 28 supporting the mine roof strata..." (Column 7, lines 5-18)

In Fig. 8 Seegmiller teaches "a series of cables 45A, 45B, and 45C" that are arranged "by their respective sets of jaws 63", while *only* nut 23 bears against "the internal aperture of the bearing plate 28". (Column 7 lines 28-36).

Thus, jaws 63 are totally separate from the securing nut (23) that secure cables, for example 45A, to surface 28.

Summary:

The instant invention is clearly distinguished over Seegmiller by its biocompatibility and securing structure.

Favorable consideration is earnestly solicited. As in previous responses, Applicant is responding pro se under "Revocation of Existing Power Of Attorney and Election to Persecute Pro Se" included herein. Please use the address listed below for sending correspondence to the applicant.

Respectfully submitted,



Y. Freedland

Inventor and Applicant

July 5, 2004
64/6 Trumpeldor Street
Petach-Tikva 49403
Israel

Tel: +972-56-758096